

the last few years. It has become clear that removing these provisions would ensure that the Senate will pass, and the President will sign, this measure.

Section 22 of H.R. 6, provides for drilling in the Alaskan National Wildlife Refuge (ANWR). While some consider this area to be one of the most promising U.S. onshore oil and gas prospects, studies indicate that this area could only provide six month's supply of oil, 10 years from now, and consequently have no significant effect on our nation's dependence on foreign oil. This 1.5 million acre coastal plain, however, is an area often referred to as "America's Serengeti" because of the presence of caribou, polar bears, grizzly bears, wolves, migratory birds, and many other species living in a nearly undisturbed state. In fact, the Refuge and two neighboring parks in Canada have been proposed for an international park, and several species in the area are protected by international treaties or agreements. In the 108th Congress, I supported a conference agreement on H.R. 6 that eliminated the provisions opening up ANWR for drilling. A future conference agreement needs to eliminate this controversial section from this bill to ensure its passage.

Title 15, Section 1502 of H.R. 6, contains a safe-harbor provision protecting producers of methyl tertiary butyl ether [MTBE] and other fuel oxygenates from product liability claims. This provision includes language applying the safe-harbor retroactively, potentially barring several pending suits against some of the worst environmental polluters in our country.

Under this provision, cities and towns would be prevented from bringing against potential offenders "defective product" lawsuits, which some cities have employed to recapture the cost of MTBE clean ups. Approximately 130 lawsuits have been filed by states, cities, water districts, and businesses over MTBE contamination. The trade association for the MTBE industry conservatively estimates that a nationwide cleanup of MTBE will cost between \$500 million and \$1 billion. The U.S. Conference of Mayors, however, maintains that those costs could run higher than \$29 billion. Our states and localities, which are struggling with budget deficits, should not be forced to pay the tab for these clean ups. If our states and localities are forced to pay these costs, the real costs will be borne by taxpayers, who should not be responsible for the actions of a few MTBE producers.

I also cannot support provisions in this legislation that do nothing to safeguard electricity consumers from unscrupulous utility companies that abuse market power and manipulate electricity prices. Rather than holding these electricity companies accountable, this bill would weaken consumer protections regarding electricity. I supported Representative JOHN DINGELL's amendment that would have protected electricity consumers by increasing penalties for violations of the Federal Power Act and would authorize the Federal Energy Regulatory Commission (FERC) to refund electricity overcharges. Unfortunately, the House defeated this amendment that would have helped safeguard electricity consumers.

I urge my colleagues to work together to pass a true comprehensive energy legislation that is fiscally responsible and that protects consumers, our communities, and environmentally sensitive areas. Our national energy situation should not be a partisan issue, and

I hope that both parties can come together to do the right thing for America.

CONGRATULATING THE TRINITY VALLEY COMMUNITY COLLEGE CARDINAL CHEERLEADERS

HON. JEB HENSARLING

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. HENSARLING. Mr. Speaker, today, I would like to congratulate the Trinity Valley Community College (TVCC) Cardinal Cheerleaders for their recent victory in the National Cheerleaders Association Junior College Division Championship in Daytona Beach, Florida. The Cardinal Cheerleaders posted an impressive score of 9.04 in the final round, earning TVCC their eighth national cheerleading title, the team's third since 2001.

On behalf of the Fifth Congressional District of Texas, I would like to extend my congratulations to all of the members of the TVCC Cheerleading team including: Kolan Lynch, Amber Trahan, Dreekus Burton, Eric Mahame, Loren Taylor, Kynan Downs, Jacqueline Vogel, Andy Cessac, Erica Weems, Charles Gilbert, Kyle McCall, Courtney Pike, Danny Ogura, Jennifer Tacker, Adam Yeatts, Lindsey Gonzales, Jesse Salas, Drew Clements, Megan Centeno, Dion Bagby, Wendy Hall, Kyle Fowler, Roxann Wylie, and Greg Smalley. I would also like to congratulate their coach, Lucy Strom, on their tremendous victory.

The Cardinal Cheerleaders exemplify the hard work and team spirit of TVCC's student body and the institution's continuing commitment to excellence.

TRI-CAUCUS MINORITY HEALTH BILL

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Ms. LEE. Mr. Speaker, the Tri-Caucus commemorates and closes Minority Health Month by offering the "The Healthcare Equality and Accountability Act of 2005".

I join my colleagues in calling for bipartisan support and immediate consideration of the Tri-Caucus minority health disparities bill which will provide long-needed resources to combat the growing racial and ethnic health disparities in minority communities across the country.

The tri-caucus bill re-prioritizes and funds efforts for prevention, education and data-collection; all essentials to reduce the overall cost of treatment and reduce disproportionately high rates of emergency health services in minority communities.

Equality in health service is still a distant and difficult goal. Until the United States makes health care a basic human and civil right we will never close the disparities gap.

Mr. Speaker, I believe it is criminal that in the United States the color of your skin and the languages that you speak can make you more likely to die of HIV/AIDS, heart disease or diabetes, as a result of our broken and culturally insensitive health care system.

The numbers are staggering: Cancer: African Americans are 23 percent more likely to die from all types of cancer than Whites. African American men die twice as often from prostate cancer than Whites.

Cancer: Breast cancer is diagnosed 13 percent less frequently in African American women than White women; however African American women die more often.

Heart Disease: African Americans suffer the most from the disease. Around 40 percent of African American men and women have some form of heart disease, compared to 30 percent of White men and 24 percent of White women. African Americans are also 29 percent more likely to die from the disease than Whites.

Diabetes: African Americans are twice as likely to have diabetes as Whites. African Americans with diabetes are more likely to experience complications of diabetes.

Diabetes: Diabetes related eye disease, is 40 to 50 percent more common in African Americans than Whites. Kidney failure is about 4 times more common in African Americans with diabetes than in Whites with diabetes. Amputations of lower extremities (legs and feet) are also more common in African Americans with diabetes.

Diabetes: As of 2002, two million Hispanic adults, about 8.2 percent of the population, have diabetes. About one-third of Hispanics with diabetes are undiagnosed. Hispanics are 1.5 times as likely to have diabetes as Whites. And, in 2001 the death rate from diabetes in Hispanics was 40 percent higher than the death rate of Whites.

I could go on and on, but I'll just end this list of statistics by giving you a quick overview of HIV/AIDS in our communities. HIV/AIDS has had a devastating impact on minorities in the United States.

HIV/AIDS: Racial and ethnic minorities accounted for almost 70 percent of the newly diagnosed cases of HIV and AIDS in 2002. More than 90 percent of babies born with HIV belong to minority groups.

HIV/AIDS: More than 54 percent (14,398) of HIV/AIDS diagnoses in 2002 were in African Americans. African Americans are ten times more likely to die of AIDS than Whites.

HIV/AIDS: AIDS is the leading cause of death in African American women aged 25–34 and the third leading cause of death in African American men in the same age group. More than 64 percent of HIV positive infants are African American.

HIV/AIDS: HIV/AIDS is spreading at a rapid rate in the Hispanic community. Hispanics accounted for around 20 percent of AIDS cases in 2002, despite making up only 14 percent of the U.S. population. Hispanics are 60 percent more likely to be diagnosed with AIDS than Whites. Hispanics were also almost three times more likely to die of AIDS than their White counterparts in 2001.

The Congressional Black Caucus, Hispanic Caucus and Asian Pacific Islander Caucuses have come together because we see the need to offer solutions for the inclusion and the prioritizing of minorities in the health care system which today is sorely inadequate.

Our goal, like that of the American public, is the complete elimination of racial and ethnic health disparities.

I believe that with this bill we have provided a good first step toward that goal.

In this bill, we have diagnosed the major health care shortfalls and provided sound and culturally-conscious solutions.

The goal of this bill is nothing short of the complete elimination of these racial and ethnic disparities. In this bill, we have assessed the foremost health care shortfalls of our current system, and provided sound and culturally conscious solutions.

1. We have called for an expansion of the health care safety net, which will increase access to quality health care coverage.

2. We state that health care be should be considered not only a human right but a civil right, and as such must be protected under the 1964 Civil Rights Act.

3. We ask for the widespread, comprehensive, collection and dissemination of health data on minorities to become a top priority for the health care community.

4. In order to appropriately target the diseases that are plaguing minority peoples, we must first make sure that we have an accurate picture of the challenge we are facing. And we must use this information to make sure that everyone is aware of these statistics, so they know the risks.

5. We ask for a complete assault on HIV/AIDS and other diseases that are disproportionately killing the minority community.

6. By enacting this bill, we correct a major problem in America: ending minority health disparities and diversify health care workforce.

Mr. Speaker, the issue here is that millions of Americans, half of whom are minorities, go undiagnosed and uncared for because they lack adequate health care.

Instead of privatizing social security and cutting Medicaid, our President should help African Americans, Latinos, Asian and Pacific Islanders and Native Americans live longer, healthier lives.

The President should not rely on the shorter life expectancy of African Americans or other minorities—he should fix the root of the problem—fix our health care system.

Mr. Speaker, it is our priority to stop the dangerous cycle of shorter life spans and poor quality, inaccessible health care for minorities in this country.

We stand committed because we cannot stand for continued rates of prostate and breast cancer, diabetes, and high blood pressure to take the lives of minority peoples around this country.

If we are to ensure that we are all equal, then we cannot ignore the inequalities inherent in our current health care system.

And finally, we cannot stand in the halls of this Congress and allow a prescription drug bill, an HIV/AIDS bill, or any other health bill pass that doesn't have a focus on African Americans, Latinos, Native Americans, or our Asian and Pacific Island communities.

Today, we are united for all minorities across this country, and we will win the battle against ethnic and racial health disparities.

WORKPLACE WRONGFUL DEATH ACCOUNTABILITY ACT OF 2005

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 28, 2005

Mr. OWENS. Mr. Speaker, it is altogether fitting and appropriate to commemorate Work-

ers' Memorial Day this year by introducing the "Workplace Wrongful Death Accountability Act of 2005." I am very pleased to join my colleague from New Jersey, Senator JON CORZINE, in introducing this bill aimed at saving workers lives. Senator CORZINE and I sponsored identical legislation in the 108th Congress. The bill would amend the Occupational Safety and Health (OSH) Act in 3 simple ways. First, it would stiffen sanctions for worker deaths caused by an employer's willful violations of basic safety standards. Under current law, the sanction is a mere misdemeanor which carries a fine of no more than \$10,000 and a prison sentence of no more than 6 months. As the first librarian to become a Member of the U.S. House of Representatives, I can vouch for the fact that some local jurisdictions seek harsher penalties for failure to return a library book.

This bill would make corporate manslaughter a felony offense, with the possibility of sentences that might range from no time behind bars to up to 10 years in prison. Upon a second offense, the maximum sentence could be doubled. Second, this bill would double the penalty for illicitly warning of an OSHA inspection, from a maximum of 6 months to up to 2 years in prison. Third, my bill would increase the penalty for lying to or misleading OSHA, from a 6 months maximum to 1 year's imprisonment. In all three instances, fines would be decided upon in accordance with title 18 of the U.S. code, which is standard criminal law and longstanding criminal procedure.

The reason we need this bill is very clear: the Federal Government is itself guilty of gross negligence in efforts to deter corporate manslaughter. As David Barstow of the New York Times noted last year in his remarkable investigative series on worker deaths in this country, OSHA has an astonishing 20 year track record of failure to seek criminal prosecution when an employer's willful and flagrant safety violations lead to worker deaths. It isn't that the Department of Labor (DOL) doesn't know how to seek criminal sanctions. Anyone who visits the DOL website will see an exhaustive list of prosecutions undertaken by staff in the Office of Labor Management Standards (OLMS). From 2002 to 2005, the prosecutions sought by OLMS fill up 111 pages, typewritten with a very small font. The difference is that these are prosecutions against union officials for a vast array of minor offenses. Contrast that with OSHA's failure to seek criminal prosecution in a staggering 93 percent of worker death cases, investigated by the agency over the past 2 decades. These deaths were caused by an employer's gross negligence or willful safety violations. In other words, the employer placed a profit motive far, far above any concern over peoples' lives. In some instances, the same unscrupulous employer's pattern of egregious safety violations has caused multiple worker deaths over several years. In such cases, a misdemeanor penalty has no deterrent value whatsoever.

Holding certain local union officials criminally liable for minor instances of alleged record falsification versus handing employers who commit corporate manslaughter an automatic "get out of jail free" pass is a real statement of values and priorities. We hear a great deal from this Republican Administration about

the importance of affirming a "culture of life." Well, American workers deserve a "culture" of workplace safety that ensures they will live to go home at night and return to their jobs the following morning. When Congressman TOM DELAY was asked by an Associated Press (AP) reporter last year about the "Workplace Wrongful Death Accountability Act," he replied: "The worst thing you could do—telling a small business person that they could go to prison over an OSHA violation." But such ridicule and exaggeration offends any surviving relative of a victim of corporate manslaughter.

Every year, between 5000 and 6000 workers are killed-on-the-job, often in gruesome circumstances due to inexcusable safety violations. This bill is aimed at holding such grossly negligent employers accountable. It will not result in either wanton or reckless prosecutions of hapless employers. My bill is NOT a radical departure from current law by any stretch of the imagination. This bill simply corrects a glaring oversight in federal law and policy: the inability to pursue a felony conviction of an employer who willfully causes the deaths of workers. It is a moderate adjustment that is long overdue.

Review of a recent case in my own Congressional district illuminates the reasons why this bill needs to be enacted. Less than a week ago, the contractor and owner of Big Apple Development and Construction (Big Apple) pleaded guilty to causing the death of a worker by failing to comply with OSHA regulations requiring employers to provide employees with fall protection equipment. The death of one worker, Angel Segovia, and serious injury to two others occurred, when a building collapsed on Fort Hamilton Parkway in May of 2004. Big Apple was a repeat safety violator, having already received OSHA citations in 2001 for failing to provide its workers with fall protection equipment. When Big Apple's owner and contractor, Kang Yeon Lee, is sentenced for causing the death of Angel Segovia, he faces a maximum of 6 months in prison under the current OSHA statute. But Mr. Lee also pleaded guilty to mail fraud in connection with concealing his failure to pay workers the prevailing wage on a federally funded, U.S. Postal Service construction project. And for mail fraud, Mr. Lee faces a maximum sentence of 20 years in prison and a maximum fine of \$250,000 for each count of conviction. The contrast between a six month prison term for killing a worker and a twenty-year prison term for mail fraud could not be starker. Enactment of the "Workplace Wrongful Death Accountability Act of 2005" would value workers' lives and correct such a disgraceful discrepancy.

In closing, Mr. Speaker, I would like to note for the record that the "Wrongful Workplace Accountability Act of 2005" is included in its entirety in a broader bill I am also introducing today, the "Protecting America's Workers Act." I urge my colleagues to respect the lives of all American workers and ask them to join me in sponsoring both these bills. Millions of hard-working Americans and their families deserve nothing less than such essential protection.